

IN THE DRAWINGS

The attached sheets of drawings includes changes to Figs. 1, 3, 5, 7, 8, 10, 12, 13, 15, and 16. These sheets, which include Figs. 1, 3, 5, 7, 8, 10, 12, 13, 15, and 16, replace the original sheets including Figs. 1, 3, 5, 7, 8, 10, 12, 13, 15, and 16.

Attachment: Replacement Sheets

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-11, 13-15, and 17-39 are pending in the present application, Claims 1-11, 13-15, and 17-39 having been amended, and Claims 12 and 16 having been canceled without prejudice or disclaimer. Support for the amendments to the independent claims is found, for example, in the specification at page 16, line 19 to page 17, line 7. Other amendments are self-evident and are intended to more clearly describe and distinctly claim the subject matter regarded as the invention. Applicants respectfully submit that no new matter is added.

In the outstanding Office Action, Claims 2-22 and 24-39 were objected to; the title was objected to; the specification was objected to; the drawings were objected to; Claims 1-3, 23-31, 38, and 39 were rejected under 35 U.S.C. §102(b) as anticipated by Ishiwaka (U.S. Patent No. 5,666,655); Claims 4-9 and 14-22 were rejected under 35 U.S.C. §103(a) as unpatentable over Ishikawa in view of Herrig (U.S. Patent No. 6,591,108); Claims 10-12 were rejected under 35 U.S.C. §103(a) as unpatentable over Ishikawa; Claims 32-38 were rejected under 35 U.S.C. §103(a) as unpatentable over Ishikawa in view of Herrig, and further in view of Faber (EP 0961417); Claim 13 was rejected under 35 U.S.C. §103(a) as unpatentable over Ishikawa in view of Fukagawa (U.S. Patent No. 6,188,913).

Applicants thank the Examiner for the courtesy of an interview extended to Applicants' representative on July 12, 2006. During the interview, differences between the present invention and the applied art, and the rejections and objections noted in the outstanding Office Action were discussed. With respect to the objections to the specification, the Examiner agreed that no amendments to the specification would be necessary. With respect to the objections to the claims, the Examiner agreed that amending "interference electric power" to "interference," "transmission electric power" to "transmission power,"

“signal to noise electric power ratio” to “signal to noise ratio,” “reception electric power” to “reception power,” would overcome the relevant objections to the claims. With respect to the rejections based on art, no agreement was reached pending the Examiner’s further review when a response is filed.

Furthermore, as noted during the interview and contrary to the suggestion in the outstanding Office Action, the claims should not be amended to recite electric fields. As is disclosed in the specification, and as would be understood by a person of ordinary skill in the art, refers to the Watts of the signal being transmitted. Similarly, “reception power” refers to the Watts of the signal being received.

With respect to the objection to the title, a new title is provided by the present amendment. Accordingly, applicants respectfully request that the objection to the title be withdrawn.

With respect to the objection of the drawings, new drawings that correct the informalities identified in the outstanding Office Action are submitted herewith. Moreover, Fig. 7 is amended to label a box with numeral 107, and the figures are amended to correct informalities similar to those identified in the outstanding Office Action. Accordingly, applicants respectfully request that the objection to the drawings be withdrawn.

With respect to the objection to the specification, as discussed during the interview, Applicants respectfully submit that the specification no longer needs to be amended.

With respect to the objection to the specification for not disclosing U.S. Patent No. 5,666,655, Applicants respectfully submit that there was no intent on the part of the Applicants or anyone involved in the preparation and/or prosecution of the present application to withhold information from the U.S. Patent and Trademark Office. Furthermore, Applicants respectfully submit that this objection is moot in view of U.S. Patent No. 5,666,655 having been made of record on PTO-form 892.

With respect to the rejection of Claims 6-9 and 19-39 under 35 U.S.C. §112, second paragraph, for reciting the phrase “allowableness/disallowableness,” applicants respectfully submit that a person of ordinary skill in the art would understand “allowableness/disallowableness” to mean --allowableness or disallowableness--. Accordingly, Applicants respectfully submit that the rejection of Claims 6-9 and 19-39 is traversed.

With respect to the objection to the claims, the claims are amended as discussed during the interview. Accordingly, Applicants respectfully request that the objection to the claims be withdrawn.

With respect to the rejection of Claim 1 as anticipated by Ishikawa, Applicants respectfully submit that the amendment to Claim 1 overcomes this ground of rejection. Amended Claim 1 recites, *inter alia*, “wherein said determining whether or not a spread code used for the communications can be allocated step includes accessing a spread code management table and determining that the spread code can be allocated when there is an unused channelization code.” Ishikawa does not disclose or suggest these elements of amended Claim 1.

Ishikawa makes a broad a generalized disclosure that “as for the radio channels to be used in this first embodiment, it is possible to consider...the repeated use of the spread codes....”¹

This broad and sweeping statement does not disclose or suggest the above-noted subject matter of amended Claim 1.

Accordingly, Applicants respectfully submit that amended Claim 1 (and Claims 2-11, 13-15, and 17-22) patentably distinguish over Ishikawa. In addition, Applicants note that Claims 23, 38, and 39 include elements similar to those in amended Claim 1. Accordingly,

¹ Ishikawa, col. 13, lines 27-38.

Applicants respectfully submit that Claims 23, 38, and 39 (and Claims 24-37 depend thereon) patentably distinguish over Ishikawa for at least the reasons stated for amended Claim 1.

Furthermore, Applicants respectfully submit that Faber, Herrig, and Fukagawa do not cure the above-noted deficiencies in Ishikawa.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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